

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CYNTHIA RUSSO, LISA BULLARD,
RICARDO GONZALES, INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL 38 HEALTH AND
WELFARE FUND, INTERNATIONAL
UNION OF OPERATING ENGINEERS
LOCAL 295-295C WELFARE FUND, AND
STEAMFITTERS FUND LOCAL 439, on
Behalf of Themselves and All Others Similarly
Situated,

Plaintiffs,

v.

WALGREEN CO.,

Defendant.

Civil No. 17-cv-2246

Judge Edmond E. Chang
Magistrate Judge Sheila Finnegan

JOINT STATUS REPORT

Pursuant to the Court's May 10, 2023 Order (ECF No. 594), the parties, through their respective counsel, respectfully submit the following Joint Status Report.

I. The Current Deadlines Imposed by the Court and Whether the Matter Has Been Referred to the Magistrate Judge in Any Fashion

A. Deadline for the Close of Fact Discovery

With certain limited exceptions, and as described below in Section II, fact discovery closed on December 18, 2020, (ECF No. 320), and non-party fact discovery closed on June 1, 2021. (ECF No. 448).

B. Referral to Magistrate Judge Finnegan

On November 6, 2018, the Court referred this case to Magistrate Judge Finnegan for

general discovery supervision. (ECF No. 118.)

C. Expert Discovery and Class Certification

The Parties have concluded expert discovery and class certification briefing as set forth in the Agreed Order dated October 21, 2022, (ECF No. 545). Walgreens reserves its right to seek leave of the Court for relief in connection with Plaintiffs' reply in support of their motion for class certification and the accompanying expert rebuttal reports, including reserving its right to seek to file a surreply to the class certification brief, additional expert reports, and/or to depose Plaintiffs' experts with regard to their rebuttal reports, including Plaintiffs' newly disclosed expert. Plaintiffs reserve their right to oppose any such relief sought.

Consistent with the Court's order that any *Daubert* motions brought under Federal Rule of Civil Procedure 702 (Rule 702 Motions) would be considered by the Court with class briefing, (ECF No. 476), the parties have filed the following Motions pursuant to Rule 702:

Movant	Expert	Mot. ECF No.	Opp. ECF No.
Defendant's Motions to Exclude:	Dr. Schafermeyer	580	600
	Dr. Hilton	583	607
Plaintiffs' Motions to Exclude:	Mr. Hanifin	599	
	Dr. Hughes	604	
	Mr. Jacobs	605	
	Mr. Smith	606	

The parties are meeting and conferring regarding a briefing schedule for the remaining oppositions and replies to their respective motions. The parties believe they will be able to reach an agreement on a proposed briefing schedule and intend to file a motion to set a briefing schedule by no later than Friday, July 7, 2023.

II. The Progress of Discovery

The parties are meeting and conferring regarding certain discovery disputes, including a supplemental declaration they are negotiating regarding the PSC Database and the PSC Enrollment and Renewal Data. To the extent the parties are unable to resolve any disputes, motion practice

may be required. The parties will promptly bring any issue before the Court if they reach an impasse.

III. Whether the Parties Have Engaged or Are Engaging in Settlement Discussions

The parties have not engaged in settlement discussions.

IV. Whether the Parties Believe a Telephonic Hearing or In-Person Hearing Is Necessary Within the Next 60 Days

The parties respectfully ask the Court to Order that the next Joint Status Report be submitted on or before July 26, 2023.

DATED: June 26, 2023

s/ Michael Scott Leib

Michael Scott Leib

Anthony Robert Todd

REED SMITH LLP

10 S Wacker Dr # 4000

Chicago, IL 60606

Telephone: 312-207-1000

mleib@reedsmith.com

atodd@reedsmith.com

Selina Coleman (*pro hac vice*)

Frederick Robinson (*pro hac vice*)

Jessica Christensen (*pro hac vice*)

REED SMITH LLP

1301 K Street, N.W. Suite 1100

East Tower

Washington, DC 20005

Telephone: 202-414-9200

scoleman@reedsmith.com

frobinson@reedsmith.com

jchristensen@reedsmith.com

Attorneys for Defendant Walgreen Co.

s/ Joseph P. Guglielmo (with permission)

Joseph P. Guglielmo (IL Bar #2759819)

Carey Alexander (IL Bar #5188461)

Amanda Rolon (*pro hac vice*)

**SCOTT+SCOTT ATTORNEYS AT LAW
LLP**

The Helmsley Building

230 Park Avenue, 17th Floor

New York, NY 10169

Telephone: 212-223-4478

jguglielmo@scott-scott.com

calexander@scott-scott.com

arolon@scott-scott.com

Erin Green Comite (IL Bar #420630)

**SCOTT+SCOTT ATTORNEYS AT LAW
LLP**

156 S. Main Street

P.O. Box 192

Colchester, CT 06415

Telephone: 860-531-2632

Facsimile: 860-537-4432

ecomite@scott-scott.com

David W. Mitchell (IL Bar # 199706)

Arthur L. Shingler III (IL Bar # 181719)

**ROBBINS GELLER RUDMAN
& DOWD LLP**

655 West Broadway, Suite 1900

San Diego, CA 92101

Telephone: 619-231-1058

davidm@rgrdlaw.com

ashingler@rgrdlaw.com

Mark J. Dearman (IL Bar #0982407)

Stuart A. Davidson (IL Bar #084824)

ROBBINS GELLER RUDMAN

& DOWD LLP

120 East Palmetto Park Road, Suite 500

Boca Raton, FL 33432

Telephone: 561-750-3000

sdavidson@rgrdlaw.com

mdearman@rgrdlaw.com

Interim Co-Lead Counsel

Katrina Carroll (IL Bar #6291405)

CARLSON LYNCH LLP

111 W. Washington Street, Suite 1240

Chicago, IL 60602

Telephone: 312-750-1265

kcarroll@carlsonlynch.com

Local Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically through the Court's Electronic Case Filing System, which will then send a notification of such filing to the registered participants as identified on the Notice of Electronic Filing.

s/ Michael Scott Leib
Michael Scott Leib